

MEETING #23 – June 5

At a Joint Meeting of the Madison County Board of Supervisor and the Madison County Planning Commission held on Wednesday, June 5, 2013 at 7:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: J. Dave Allen, Chairman
Doris G. Lackey, Vice-Chair
Jerry J. Butler, Member
Pete J. Elliott, Member
Jonathon Weakley, Member
V. R. Shackelford, III, County Attorney
Phillip Targatlia, Finance Director
Brian Daniel, Erosion & Sedimentation Technician
Betty Grayson, Zoning Administrator

ABSENT: Jacqueline S. Frye, Clerk of the Board

1. Joint Meeting:

Chairman Allen called the meeting to order and advised that all members are present and a quorum was established.

2. Pledge of Allegiance & Moment of Silence

The Board of Supervisors and the Madison County Planning Commission commenced their meeting with the Pledge of Allegiance and a moment of silence.

3. Adoption of Agenda:

Chairman Allen advised that Item 6-a will be added to "Information & Correspondence.

Chairman Allen called any deletions, additions or corrections to tonight's agenda.

On motion of Supervisor Lackey, seconded by Supervisor Weakley, the Board adopted the Agenda as amended, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Aye
Jonathon Weakley	Aye

4. Agenda Items:

Mr. Brockman explained the process for tonight's meeting forum. After discussion, the Commission approved the Minutes of the May 1, 2013 Joint Meeting as presented.

Cases:

- a) Case No. SP-06-13-08: Request by Autumn Corporation for a site plan for an eight (8) bed expansion addition for Autumn Care Nursing Home. This property is located off Route 1001 near the Town of Madison and contains 9.751 acres of land (four tracts of land), zoned Conditional Business, B-1 and Residential, R-1.

Betty Grayson, Zoning Administrator, advised that tonight's Case #SP-06-13-08 has been tabled by Mr. Mat Trowbridge today, June 5, 2013, until the July Joint Meeting scheduled for July 3, 2013; a set of revised drawings were provided yesterday, but haven't been reviewed by Brian Daniel, Erosion & Sedimentation Technician; she anticipates the information packet will be forwarded to VDOT shortly and to the Culpeper Soil & Water Conservation District. The size of the addition will remain the same, with the exception of there being a call for twelve (12) beds instead of the original request for eight (8) beds.

5. Public Hearing [Ordinance #2013-4] - Receive Public Comment and Consider Adoption of Ordinance to Amend the Madison County Zoning Ordinance, Section 20-203A, in Regard to the Definition of Seasonal or Brief Use:

Chairman Allen advised tonight's public hearing will focus on the definition of 'seasonal or brief use.'

The County Attorney provided an overview of tonight's issue and a time line of how the County got to this point, and explained tonight's proposal as presented by the sub-committee of the Madison County Planning Commission. Tonight's recommendation was presented to the Board for consideration and review, following previous public hearing sessions to attain citizen input.

Concerns verbalized by the Board concerned whether:

- a) Tonight's definition will effect activities held for less than sixteen (16) days;
- b) How this will effect tent sales;

The County Attorney clarified tonight's definition focuses on 'cumulative days' and does not include set up time for an event or any activity that transpires for less than sixteen (16) days; also if a particular use is allowed in a B-1 zone will not be effected.

The Sub-Committee explained the reasoning behind the number of days reflected on the festival held at Graves' Mountain Lodge, which lasts for three (3).

Concerns were also verbalized as to what would transpire if someone set up an activity within an A-1 zone that didn't transpire for at least sixteen (16) days.

The County Attorney advised that tonight's definition was developed to provide some structure for temporary uses that aren't covered within the County's Zoning Ordinance.

Discussion from the Board also focused on whether the proposed number of days will control auctions, horse sales, land use sales, etc., and whether a structure can continue to be in place for an extended period of time.

Betty Grayson, Zoning Administrator, advised there is no permit needed for a 'pop up tent'; however, a permit is needed for any commercial event – a tent can be kept in place temporarily for at least six (6) months, and is required per the State Building Code.

Chairman Allen opened the floor for tonight's public hearing.

The following citizens were present to provide public comment:

- Paul Abugattas
- William (Bill) Campbell
- Dave Ashley

With no further comments being brought forth, the floor for the public hearing was closed.

After discussion, the Commission motioned and seconded the recommendation that the definition advertised be amended from sixteen (16) days to seventeen (17) days and the rest of the definition remain as is.

With no further action being required, the Madison County Planning Commission moved to adjourn their portion of tonight's meeting.

The Board inquired about the definition of a private auction and whether the business operated by Supervisor Elliott could operate under tonight's definition; concerns were also verbalized regarding seasonal auctions and the requirement for a special use permit.

The County Attorney explained that an auction is run by a private business and open to the general public; the business operated by Supervisor Elliott would be allowed under

tonight's definition; these auctions are held in one (1) business location (building) and not under a tent.

Supervisor Elliott abstained

Chairman Allen advised it has been the general policy of the Madison County Board of Supervisors not to act on adopting an Ordinance the same night of the public hearing.

After discussion, it was the consensus of the Board to act on tonight's issue.

Supervisor Butler motioned that the Board approve the recommended definition of a 'seasonal or brief use' as presented by the Madison County Planning Commission, with the modification of eighteen (18) days instead of sixteen (16) days.

Motion died for the lack of a second

Supervisor Lackey moved that the Board approve the amended Article 20-203A for "seasonal or brief use" as recommended by the Madison County Planning Commission with the modification to change the number of days to seventeen (17) days (instead of sixteen [16] days), seconded by Supervisor Weakley, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Abstain
Jonathon Weakley	Aye

Supervisor Elliott advised there is there is difference in a public auction (opened to the public) and a private auction (anyone who is invited).

6. Board Discussion/Action Items (if any)

a. Representation at (a) Meeting with the Park Superintendent

Chairman Allen advised a meeting has been scheduled with the Park Superintendent; he asked if the Board would like to appoint a representative to attend the meeting.

After discussion, it was suggested the Board members split the meetings (3-2) and rotate attending the meetings.

Supervisor Weakley moved that Supervisor Lackey and Chairman Allen attend the rescheduled meeting with the Park Superintendent along with the County Administrator, seconded by Supervisor Lackey, with the following vote recorded.

J. Dave Allen	Aye
Doris G. Lackey	Aye

Jerry J. Butler	Nay
Pete J. Elliott	Nay
Jonathon Weakley	Aye

7. Information & Correspondence (if any)

a. Piedmont Regional Dental Clinic

Chairman Allen advised the Piedmont Regional Dental Clinic will be operating at the Waverly Yowell Elementary School; they have invited the Board members to come see their operation; members are asked to check in at the Front Office and one of the Secretaries will serve as an escort to the area.

b. Transfers to the Capital Fund

i. FY2013 Transfer - \$300K from Contingency to Capital Fund for school bathroom projects

The County Administrator provided a printout that contained information to be included in the notebooks for the June Regular Meeting; items to be considered will include:

- Fuel for the Sheriff's Office;
- Accumulated leave payout
- Ambulance Billing (EMS)
- Anticipated expenditures

The County Administrator advised there is currently \$406,000.00 in the contingency fund; some of these funds could be placed in the CIP fund for future projects (i.e. schools {restrooms}); there is currently \$700,000.00 in the CIP fund – he suggested the Board discuss the possibility of adding \$250,000.00 at next week's regular meeting.

ii. FY2013 Transfer - \$50K from Transfer Station to Capital Fund

The County Administrator advised the solid waste account will have about \$190,000.00 left at the end of the fiscal year; contracts have been awarded or the following:

- Wood chipping (\$11,650.00)
- Paving [milling/repaving] of the road from the street to the gate [old pavement] (\$13,694.00)
- Sealant [of cracks in the pavement into the station];
- Bids are being sought for the recycling wall – numbers will be received by next week (estimate of \$55,000.00);

The County Administrator also advised that Waste Management Services, Inc. is in the process of ordering a new computer to hook to the scales at the landfill; an official report will be provided in the future that will provide information on all tickets (including voided tickets) in numerical order, along with total cash and/or checks received; all funds collected will be delivered to the Treasurer's Office daily for processing.

The County Administrator suggested the County take the above referenced estimate and place it into the CIP fund to prevent these funds from being 'rolled off' the budget; the contract will be awarded in July and funding can be appropriated at that time into the FY2014 budget.

The County Administrator advised the PRA will need funding to cover the costs of wiring, connecting water and a handicap ramp at Hoover Ridge; there is currently \$31,000.00 in the posit for a position that has been eliminated.

The County Administrator provided input on the following topics:

CIP: Concerns were discussed regarding the recent bids received for CIP projects coming in higher than budgeted; a meeting will be scheduled with the representatives from Crabtree, Rohrbaugh Associates, Inc. in the coming week; there were also concerns regarding the representatives having overlooked certain issues which will need to be addressed before the County moves forward.

Healthcare Insurance: Little information has been compiled regarding healthcare insurance; the school system will be discussing this toping at their monthly meeting; although a decision could be made by the end of June, the renewal date isn't until October 2013.

Central Virginia Regional Jail: Jail trustees will be available to assist the County for five (5) days or longer if there is sufficient work to be done (i.e. mowing, clearing, etc.); members are encouraged to provide input on any additional work that needs to be done within the County.

Decorating Committee: The Decorating Committee is working on projects (i.e. flags, power on the poles, banners, lights, etc.); the Town has taken on managing the decorating project; funding needed will be about \$13,000.00 (approved by the Tourism Committee) to decorate the center of Town and in both directions along the Main Street; Rappahannock Electric Cooperative has agreed to donate labor if the County provides the supplies; an appropriation request will be presented at the June Regular Meeting for action along with account balance information in the TOT Fund.

Bi-Monthly Payroll: An investigation has been made into what will be needed in order to move forward with bi-monthly payroll for County employees; although the process

will involve more work for the Finance Department, staff have advised the process can be implemented and managed without difficulty; if the Board is in agreement with moving forward, a consensus will be attained from employees for review and advisement at the June Regular Meeting; employees will also be encouraged to participate in direct deposit in the future.

Finance Package

The County Administrator advised that a presentation will be made at the June Workshop Session in order to attain a final recommendation by the July Regular Meeting.

Pay Study

The County Administrator advised information on the pay study will be provided at the June Workshop Session for review and discussion.

Relocation of County Offices

The County Administrator advised the space study regarding relocation of County Offices will be provided for review and discussion at the June Workshop Session.

Topping Committee

The County Administrator advised items from the Topping Committee will be provided for discussion/action at the June Regular Meeting (i.e. stock trailer bids, signage, relocation of signage on Shelby Road/Route 29).

Appropriation of the FY2014 Budget (County & School System)

The County Administrator reminded the Board the FY2014 Budget for the County and school system will need to be appropriated at the June Regular Meeting; the amount of funding budgeted for the Contingency Fund for FY2014 will be \$760,000.00.

8. Adjournment

With no further action being required by the Board, on motion of Supervisor Weakley, seconded by Supervisor Butler, Chairman Allen adjourned the meeting, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Aye
Jonathon Weakley	Aye

J. Dave Allen, Chairman
Madison County Board of Supervisors

Jacqueline S. Frye, Clerk of the Board

Adopted on: Adopted on July 9, 2012

Copies: J. Dave Allen, Doris G. Lackey, Jerry J. Butler, Pete J. Elliott, Jonathon Weakley,
V. R. Shackelford, III & Constitutional Officers

Ordinances Adopted: June 5, 2013:

Ordinance #2013-4: Ordinance to Amend Article 20 Definitions, Section 20-203A "Seasonal or Brief Use"

**ORDINANCE TO AMEND THE MADISON COUNTY
ZONING ORDINANCE**

ORDINANCE #2013-4

WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on February 14, 2012;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia, that the Zoning Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

1. Amend Article 20 Definitions, Section 20-203A to read as follows:

Use, Seasonal or Brief: A use or activity that occurs for a brief time, or that occurs at a seasonal time, and then ceases, including, but not limited to, private auctions, land sales, yard sales, tent events and horse shows. Such uses shall not exceed seventeen (17) cumulative days of use per calendar month. Seasonal or brief uses and activities are uses permitted by right in all zoning districts.

The aforesaid amendment shall be effective upon enactment.

ENACTED this 5th day of June, 2013, on motion of Supervisor Lackey, seconded by Supervisor Weakley.

J. Dave Allen, Chairman
Madison County Board of Supervisors

	Aye	Nay	Abstain	Absent
J. Dave Allen	<u> x </u>	_____	_____	_____
Jerry J. Butler	<u> x </u>	_____	_____	_____
Pete J. Elliott	_____	_____	<u> x </u>	_____
Doris G. Lackey	<u> x </u>	_____	_____	_____
Jonathan Weakley	<u> x </u>	_____	_____	_____

Ernest C. Hoch, Madison County Administrator